

EXHIBIT B

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

-----X
VICTOR CALLENDER,

Plaintiff,

-against-

FORSTER & GARBUS, LLP and
DISCOVER BANK,

Defendants.
-----X

Docket # 1:15-CV-05813-AKH

AMENDED ANSWER TO
SECOND AMENDED
COMPLAINT

JURY TRIAL DEMANDED

Defendant, FORSTER & GARBUS, LLP, by its attorneys, RIVKIN RADLER LLP, respectfully submits the following upon information and belief as and for its amended answer to plaintiff's Second Amended Complaint:

FIRST: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in the first unnumbered paragraph of the plaintiff's Second Amended Complaint and refers to the subject federal and state statutes for the true and accurate provisions therein and refers all issues of law to the Court.

SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in the second unnumbered paragraph of the plaintiff's Second Amended Complaint, and refers to the subject default judgment, affidavit of service and motion for the contents thereof and refers all issues of law to the Court.

THIRD: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in the third unnumbered paragraph of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in the fourth unnumbered paragraph of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in the fifth unnumbered paragraph of the plaintiff's Second Amended Complaint except admits the allegations that approximately \$200 was garnished and promptly returned to plaintiff and denies the allegation that defendant, FORSTER & GARBUS, LLP, had or has a business decision to blindly sign executions with no attorney review and refers all issues of law to the Court.

SIXTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in the sixth unnumbered paragraph of the plaintiff's Second Amended Complaint except denies having knowledge or information sufficient to form a belief as to the workings of plaintiff's mind and refers all issues of law to the Court.

SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "1" of the plaintiff's Second Amended Complaint and refers to the subject statutes for the true and accurate provisions therein and all issues of law to the Court.

EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "2" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph

numbered “3” of the plaintiff’s Second Amended Complaint.

TENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “5” of the plaintiff’s Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

ELEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “6” of the plaintiff’s Second Amended Complaint.

TWELFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “7” of the plaintiff’s Second Amended Complaint except admits that defendant, FORSTER & GARBUS, is a debt collection law firm.

THIRTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “8” of the plaintiff’s Second Amended Complaint and refers to the complaint in the subject lawsuit for the caption, index number and filing date.

FOURTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “9” of the plaintiff’s Second Amended Complaint and refers to the subject default judgment for the date and contents thereof.

FIFTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “10” of the plaintiff’s Second Amended Complaint.

SIXTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "11" of the plaintiff's Second Amended Complaint and refers to the subject affidavit of service for the contents thereof.

SEVENTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "12" of the plaintiff's Second Amended Complaint.

EIGHTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "13" of the plaintiff's Second Amended Complaint and refers to the subject order to show cause for the contents thereof.

NINETEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraphs numbered "14" of the plaintiff's Second Amended Complaint except admits that Mann Bracken LLP was counsel of record in the underlying subject action.

TWENTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "15" of the plaintiff's Second Amended Complaint and refers to the subject order for the contents thereof.

TWENTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "16" of the plaintiff's Second Amended Complaint and refers to the subject order for the contents thereof.

TWENTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "17" of the plaintiff's Second Amended Complaint.

TWENTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "18" of the plaintiff's Second Amended Complaint and refers to the subject letters for the dates and contents thereof.

TWENTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "19" of the plaintiff's Second Amended Complaint

TWENTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "20" of the plaintiff's Second Amended Complaint and refers to the subject complaint for the contents thereof.

TWENTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "21" of the plaintiff's Second Amended Complaint and refers to the subject response for the contents thereof.

TWENTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "22" of the plaintiff's Second Amended Complaint and refers to the subject letter for the contents thereof.

TWENTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every

allegation contained in paragraph numbered "23" of the plaintiff's Second Amended Complaint.

TWENTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "24" of the plaintiff's Second Amended Complaint except denies the allegation that Discover Bank requested documents and refers all issues of law to the Court.

THIRTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "25" of the plaintiff's Second Amended Complaint.

THIRTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "26" of the plaintiff's Second Amended Complaint.

THIRTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "27" of the plaintiff's Second Amended Complaint and refers to the subject income execution for the date and contents thereof.

THIRTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "28" of the plaintiff's Second Amended Complaint.

THIRTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "29" of the plaintiff's Second Amended Complaint.

THIRTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "30" of the plaintiff's Second Amended Complaint.

THIRTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "31" of the plaintiff's Second Amended Complaint except admits that Ronald Ferraro signed the subject income execution.

THIRTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "32" of the plaintiff's Second Amended Complaint.

THIRTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "33" of the plaintiff's Second Amended Complaint.

THIRTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "34" of the plaintiff's Second Amended Complaint.

FORTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "35" of the plaintiff's Second Amended Complaint.

FORTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "36" of the plaintiff's Second Amended Complaint.

FORTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "37" of the plaintiff's Second Amended Complaint and refers to the subject retainer agreement for the true and accurate provisions thereof.

FORTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "38" of the plaintiff's Second Amended Complaint and refers to the subject retainer agreement for the true and accurate provisions thereof.

FORTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "39" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FORTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "40" of the plaintiff's Second Amended Complaint.

FORTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "41" of the plaintiff's Second Amended Complaint.

FORTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "42" of the plaintiff's Second Amended Complaint.

FORTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "43" of the plaintiff's Second Amended Complaint.

FORTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "44" of the plaintiff's Second Amended Complaint.

FIFTIETH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "45" of the plaintiff's Second Amended Complaint.

FIFTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "46" of the plaintiff's Second Amended Complaint.

FIFTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "47" of the plaintiff's Second Amended Complaint and refers to the subject consent agreement for the contents thereof.

FIFTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "48" of the plaintiff's Second Amended Complaint.

FIFTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "49" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FIFTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "50" of the plaintiff's Second Amended Complaint.

FIFTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "51" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FIFTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "52" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

FIFTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "53" of the plaintiff's Second Amended Complaint except denies the allegation that defendant, FORSTER & GARBUS, LLP'S conduct was unlawful.

FIFTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "54" of the plaintiff's Second Amended Complaint.

SIXTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "55" of the plaintiff's Second Amended Complaint.

SIXTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "56" of the plaintiff's Second Amended Complaint.

SIXTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "57" of the plaintiff's Second Amended Complaint.

SIXTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "58" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

SIXTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge

or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "59" of the plaintiff's Second Amended Complaint.

SIXTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "60" of the plaintiff's Second Amended Complaint.

SIXTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "61" of the plaintiff's Second Amended Complaint.

SIXTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "62" of the plaintiff's Second Amended Complaint.

SIXTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "63" of the plaintiff's Second Amended Complaint.

SIXTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "64" of the plaintiff's Second Amended Complaint and refer to the subject execution for the contents thereof.

SEVENTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "65" of the plaintiff's Second Amended Complaint.

SEVENTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph

numbered "66" of the plaintiff's Second Amended Complaint.

SEVENTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "67" of the plaintiff's Second Amended Complaint.

SEVENTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "68" of the plaintiff's Second Amended Complaint.

SEVENTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "69" of the plaintiff's Second Amended Complaint.

SEVENTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "70" of the plaintiff's Second Amended Complaint.

ANSWERING THE FIRST COUNT

SEVENTY-SIXTH: Answering paragraph numbered "71" of the plaintiff's Second Amended Complaint herein, defendant, FORSTER & GARBUS, LLP, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's Second Amended Complaint, designated as paragraphs "1" through "70" inclusive with the same force and effect as though more fully set forth at length herein.

SEVENTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "72" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein, the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

SEVENTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "73" of the plaintiff's Second Amended Complaint and refers to the subject legislative history for the true and accurate provisions therein, the subject case for the findings of fact and holdings of law and all issues of law to the Court.

SEVENTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "74" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

EIGHTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "75" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

EIGHTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having any knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "76" of the plaintiff's Second Amended Complaint, except admits that defendant, FORSTER & GARBUS, LLP is a law firm which represents clients in the area of debt collection and refers to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

EIGHTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "77" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

EIGHTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "79" of the plaintiff's Second Amended Complaint.

EIGHTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "80" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions thereof and all issues of law to the Court.

EIGHTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "81" of the plaintiff's Second Amended Complaint.

EIGHTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "82" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions thereof and all issues of law to the Court.

EIGHTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "83" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions thereof and all issues of law to the Court.

EIGHTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "84" of the plaintiff's Second Amended Complaint and refers to the subject statutes for the true and accurate provisions thereof and all issues of law to the Court.

EIGHTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge

or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "85" of the plaintiff's Second Amended Complaint except denies the allegation that defendant, FORSTER & GARBUS, LLP, "very powerfully and directly" made a misrepresentation to plaintiff and refers to the subject statute for the true and accurate provisions thereof and all issues of law to the Court.

NINETIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "86" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "87" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

NINETY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "88" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "89" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "90" of the plaintiff's Second Amended Complaint

and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "91" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "92" of the plaintiff's Second Amended Complaint.

NINETY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "93" of the plaintiff's Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein, the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "94" of the plaintiff's Second Amended Complaint and refers to the subject statutes for the true and accurate provisions therein, the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

NINETY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "95" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDREDTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "96" of the plaintiff's Second Amended Complaint.

ONE HUNDRED FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "97" of the plaintiff's Second Amended Complaint except admits that Ronald Ferraro signed the subject income execution.

ONE HUNDRED SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "98" of the plaintiff's Second Amended Complaint.

ONE HUNDRED THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "99" of the plaintiff's Second Amended Complaint.

ONE HUNDRED FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "100" of the plaintiff's Second Amended Complaint.

ONE HUNDRED FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "101" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "102" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "103" of the plaintiff's Second Amended

Complaint and refers all issues of law to the Court.

ONE HUNDRED EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “104” of the plaintiff’s Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “105” of the plaintiff’s Second Amended Complaint and refer all issues of law to the Court.

ONE HUNDRED TENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “106” of the plaintiff’s Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein and the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED ELEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “107” of the plaintiff’s Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWELFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered “108” of the plaintiff’s Second Amended Complaint and refers to the subject statute for the true and accurate provisions therein, the subject case for the findings of

fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED THIRTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "109" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FOURTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "110" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "111" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED SIXTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "112" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED SEVENTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "113" of the plaintiff's Second Amended Complaint and refers

to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED EIGHTEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "114" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED NINETEENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "115" of the plaintiff's Second Amended Complaint and refers to the subject case for the accurate holding of law and all issues of law to the Court.

ONE HUNDRED TWENTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "116" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "117" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every

allegation contained in paragraph numbered "118" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "119" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED TWENTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "120" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "121" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "122" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every

allegation contained in paragraph numbered "123" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED TWENTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "124" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED TWENTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "125" of the plaintiff's Second Amended Complaint.

ONE HUNDRED THIRTIETH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "126" of the plaintiff's Second Amended Complaint and refers to the subject statutes for the true and accurate provisions therein and the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ANSWERING THE SECOND COUNT

ONE HUNDRED THIRTY-FIRST: Answering paragraph numbered "127" of the plaintiff's Second Amended Complaint herein, defendant, FORSTER & GARBUS, LLP, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's Second Amended Complaint, designated as paragraphs "1" through "126" inclusive with the same force and effect as though more fully set forth at length herein.

ONE HUNDRED THIRTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "128" of the plaintiff's Second Amended Complaint and refers

to the subject statute for the true and accurate provisions therein and all issues of law to the Court.

ONE HUNDRED THIRTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "129" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED THIRTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "130" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED THIRTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "131" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED THIRTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "132" of the plaintiff's Second Amended Complaint.

ONE HUNDRED THIRTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "133" of the plaintiff's Second Amended Complaint.

ONE HUNDRED THIRTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "134" of the plaintiff's Second

Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED THIRTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "135" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FORTIETH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "136" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FORTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "137" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FORTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "138" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FORTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "139" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holding of law thereof and all issues of law to the Court.

ONE HUNDRED FORTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "140" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FORTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "141" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law and all issues of law to the Court.

ONE HUNDRED FORTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "142" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FORTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "143" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FORTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "144" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FORTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "145" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FIFTIETH: Defendant, FORSTER & GARBUS, LLP, denies each

and every allegation contained in paragraph numbered "146" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "147" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "148" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FIFTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "149" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FIFTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "150" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FIFTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "151" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "152" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "153" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED FIFTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "154" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED FIFTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "155" of the plaintiff's Second Amended Complaint except denies the allegation that the conduct of defendant, FORSTER & GARBUS, LLP, was unlawful and refers all issues of law to the Court.

ONE HUNDRED SIXTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "156" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "157" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies

having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "158" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "159" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "160" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED SIXTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "161" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "162" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "163" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "164" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SIXTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "165" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "166" of the plaintiff's Second Amended Complaint and refers to the subject execution for the true and accurate contents thereof.

ONE HUNDRED SEVENTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "167" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "168" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "169" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "170" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "171" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation

contained in paragraph numbered "172" of the plaintiff's Second Amended Complaint.

ONE HUNDRED SEVENTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "173" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holding of law thereof and all issues of law to the Court.

ONE HUNDRED SEVENTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "174" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holding of law thereof and all issues of law to the Court.

ONE HUNDRED SEVENTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "175" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holding of law thereof and all issues of law to the Court.

ONE HUNDRED EIGHTIETH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "176" of the plaintiff's Second Amended Complaint and refers to the subject case for the findings of fact and holding of law thereof and all issues of law to the Court.

ONE HUNDRED EIGHTY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation

contained in paragraph numbered "177" of the plaintiff's Second Amended Complaint and refers to the subject cases for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED EIGHTY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "178" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED EIGHTY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "179" of the plaintiff's Second Amended Complaint except denies the allegation that plaintiff meets the standard for punitive damages and refers to the subject case for the findings of fact and holdings of law thereof and all issues of law to the Court.

ONE HUNDRED EIGHTY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "180" of the plaintiff's Second Amended Complaint except admits that plaintiff is not entitled to punitive damages as a matter of law and refers all issues of law to the Court.

ONE HUNDRED EIGHTY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "181" of the plaintiff's Second Amended Complaint.

ONE HUNDRED EIGHTY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "182" of the plaintiff's Second Amended Complaint.

ONE HUNDRED EIGHTY-SEVENTH: Defendant, FORSTER & GARBUS, LLP,

denies each and every allegation contained in paragraph numbered "183" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED EIGHTY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "184" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED EIGHTY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "185" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETIETH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "186" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "187" of the plaintiff's Second Amended Complaint except admits that defendant, FORSTER & GARBUS, LLP, did not represent plaintiff in the underlying debt collection proceeding and did not procure the affidavit of service in that action and refers all issues of law to the Court.

ONE HUNDRED NINETY-SECOND: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "188" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-THIRD: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "189" of the plaintiff's Second

Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "190" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "191" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-SIXTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "192" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "193" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "194" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ONE HUNDRED NINETY-NINTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "195" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

ANSWERING THE THIRD COUNT

TWO HUNDREDTH: Answering paragraph numbered "196" of the plaintiff's Second Amended Complaint herein, defendant, FORSTER & GARBUS, LLP, repeats and reiterates each and every denial heretofore made in regard to each and every paragraph of plaintiff's

Second Amended Complaint, designated as paragraphs "1" through "195" inclusive with the same force and effect as though more fully set forth at length herein.

TWO HUNDRED FIRST: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "197" of the plaintiff's Second Amended Complaint and refers to the subject execution for the contents thereof.

TWO HUNDRED SECOND: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "198" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED THIRD: Defendant, FORSTER & GARBUS, LLP, denies having knowledge or information sufficient to form a belief as to each and every allegation contained in paragraph numbered "199" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED FOURTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "200" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED FIFTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "201" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED SIXTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "202" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED SEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "203" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED EIGHTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "204" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED NINTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "205" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED TENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "206" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

TWO HUNDRED ELEVENTH: Defendant, FORSTER & GARBUS, LLP, denies each and every allegation contained in paragraph numbered "207" of the plaintiff's Second Amended Complaint and refers all issues of law to the Court.

AS AND FOR A FIRST AFFIRMATIVE DEFENSE

TWO HUNDRED TWELFTH: Plaintiff's Second Amended Complaint fails to state a claim against this answering defendant upon which relief can be granted.

AS AND FOR A SECOND AFFIRMATIVE DEFENSE

TWO HUNDRED THIRTEENTH: If the plaintiff has been injured and damaged as alleged in plaintiff's Second Amended Complaint, upon information and belief, such injuries and damages were caused, in whole or in part, or were contributed to by reason of the carelessness, negligence or want of care on the part of some other party or persons, firm or corporation, his, its

or their agents, servants or employees over whom defendant, FORSTER & GARBUS, LLP, had no control and for whose, carelessness, negligence or want of care defendants were not and are not responsible or liable.

AS AND FOR A THIRD AFFIRMATIVE DEFENSE

TWO HUNDRED FOURTEENTH: Plaintiff's claim for punitive damages fails because plaintiff fails to allege facts sufficient to warrant the imposition of punitive damages.

TWO HUNDRED FIFTEENTH: The acts alleged do not represent moral turpitude or conduct by defendants reflecting a criminal indifference toward civil obligations.

TWO HUNDRED SIXTEENTH: The acts alleged do not implicate the public interest or a public dispute but rather only involve a private dispute.

TWO HUNDRED SEVENTEENTH: By reason of the foregoing, the prayer for punitive damages may not be maintained.

AS AND FOR A FOURTH AFFIRMATIVE DEFENSE

TWO HUNDRED EIGHTEENTH: To the extent the plaintiff's Second Amended Complaint seeks exemplary or punitive damages, it violates the defendants' constitutional right to procedural due process under the Fourteenth Amendment of the United States Constitution, and the Constitution of the State of New York, and therefore, fails to state a cause of action upon which either punitive or exemplary damages can be awarded.

AS AND FOR A FIFTH AFFIRMATIVE DEFENSE

TWO HUNDRED NINETEENTH: To the extent the plaintiff's Second Amended Complaint seeks exemplary or punitive damages, violates the defendants' constitutional right to protection from "excessive fines" as provided in the Eighth Amendment of the United States Constitution, and Article 1, §5 of the Constitution of the State of New York, and violates

defendants' constitutional right to substantive due process duly provided in the Fifth and Fourteenth Amendments of the United States Constitution and the Constitution of the State of New York, and therefore fails to state a cause of actions supporting the punitive or exemplary damages claimed.

AS AND FOR A SIXTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTIETH: Plaintiff's claims cannot be maintained to the extent they are barred by the applicable statute of limitations.

AS AND FOR A SEVENTH AFFIRMATIVE DEFENSE

SIXTY-FOURTH: That whatever injuries and/or damages were sustained by the plaintiff at the time and place alleged in the Second Amended Complaint were in whole or in part the result of the plaintiff's own culpable conduct.

AS AND FOR AN EIGHTH AFFIRMATIVE DEFENSE

SIXTY-FIFTH: Plaintiff fails to plead the elements of a claim under General Business Law § 349 with particularity as directed by the Court in Judge Alvin K. Hellerstein's February 16, 2017 Order.

AS AND FOR A NINTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-FIRST: Plaintiff fails to plead the proper mens rea with particularity in connection with his claim for punitive damages as directed by the Court in Judge Hellerstein's February 16, 2017 Order.

AS AND FOR A TENTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-SECOND: Plaintiff failed to take reasonable steps to protect himself from damages, if any, and failed to mitigate any such alleged damages.

AS AND FOR AN ELEVENTH AFFIRMATIVE DEFENSE

TWO HUNDRED TWENTY-THIRD: Insofar as plaintiff has settled his claims with defendant, DISCOVER BANK, defendant, FORSTER & GARBUS LLP, has the right to set-off and all other available relief pursuant to Section 15-108 of New York General Obligations Law.

WHEREFORE, defendant, FORSTER & GARBUS, LLP, demands judgment dismissing the plaintiff's Second Amended Complaint herein, together with the costs and disbursements of this action.

Dated: Uniondale, New York
April 14, 2017

Yours, etc.,

RIVKIN RADLER LLP
Attorneys for Defendant
FORSTER & GARBUS, LLP

/s/ Carol A. Lastorino
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